

Comparsion of Democratic and Republican Proposals to Contain Wildfires Near Western Communities and Watersheds

	Democratic Substitute	Republican Committee Print
Geographic Scope	<p>Allows for projects within ½ mile of interface communities or less populated communities that meet basic infrastructure requirments.</p> <p>Also allows for projects in areas that would impact municipal water supply system.</p> <p>75% for projects in communities and watersheds</p> <p>All work must be completed near communities in a state before the agency can use expedited authorities outside of community and watershed areas.</p>	<p>Forest Service and Bureau of Land Management Lands near interface and intermix communities, in a watershed (expanded definition of watershed), or in T&E habitat.</p> <p>No requirement that money be expended near communities.</p>
Total Acreage Limitation and Authorization Sunset	20 million acres over 5 years (4 million acres per year)	20 million acres total

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Exclusions	<p>Congressional designated Wilderness areas, Wilderness Study Areas, National Monuments, Forest Service Designated Wilderness Study Areas, Old-Growth, and Roadless Areas</p> <p>Old Growth Language: “shall maintain all old and large trees and the structure, function, and composition of late-successional forest stands appropriate for each ecosystem type.”</p>	<p>Congressionally designated Wilderness, Wilderness Study Areas, National Monuments, Wilderness Study Areas.</p> <p>Old Growth Language: “The Secretary concerned, in the sole discretion of the Secretary concerned, shall plan and conduct an authorized hazardous fuels reduction project so as to maintain species composition, size class distribution, and density of trees, including old and large trees appropriate for each ecosystem type.”</p> <p>Roadless areas where road building is part of the project.</p>
Collaboration and Public Input	<p>Requirement for quarterly notice, scoping, and public meeting.</p> <p>Requirement that the federal agency develop a map identifying condition classification of lands and a fire risk assessment. Map will inform the collaborative process required as part of the legislation.</p>	<p>No quarterly notice or scoping requirement.</p> <p>Requires that agencies facilitate collaboration but does not include details.</p>

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Environmental Analysis	<p>Conditioned use of Categorical Exclusions within ½ mile of a community. Extraordinary circumstances apply. Other language requiring agencies to vary treatments so that they don't do a series of clearcuts.</p> <p>Expedited Environmental Assessments in watersheds. (This codifies a Bush Administration directive from CEQ to the Forest Service.)</p>	<p>No requirement to prepare an EA or EIS for every project.</p> <p>Discretionary authority that allows the Secretary to evaluate only one alternative as part of NEPA.</p> <p>A new "Insect Infestation" title is added to overall bill which would provide for 1000 acre insect treatment that would be individually and cumulatively exempt from NEPA. This is a major new loophole.</p>
Appeals	<p>Only allows appeals from individuals submitting specific written comments on projects.</p> <p>Requirement to disclose all project information when decision notice or memo is signed so that potential public can access all relevant information without submitting FOIA requests.</p> <p>Provides 30 days to file appeal.</p> <p>Requires Secretary to resolve the appeal 20 days after appeals are filed.</p> <p>Project is stayed until 15 days after the appeals are decided upon.</p>	<p>Only allows appeals from individuals submitting specific and substantive written comments.</p> <p>No disclosure requirements.</p> <p>Exempts projects for existing appeals process.</p> <p>Requires Secretary to develop a new administrative appeals process within 90 days.</p> <p>No automatic administrative stays of projects that are appealed.</p>

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Judicial Review	No provisions related to Judicial Review	<p>No Place of Filing requirement.</p> <p>Establishes a 15 day filing deadline</p> <p>A 45 day preliminary injunction on the implementation of the project that can be renewed pending conditions listed below.</p> <p>Establishes a standard for injuctive relief that requires the courts to “balance the harm” to public of issuing the injunction and gives deference to agency findings.</p> <p>Requires the Secretary to report renewals of injunctions to Committees of jurisdiction.</p> <p>Expresses Congressional intent that courts render a decision within 100 days.</p>
Assistance to private landowners	<p>Provides \$500 million in dedicated funding for cost-share grants to states, local fire districts, Tribes, and homeowner associations to address fuel buildup on private lands.</p> <p>Gives the Secretaries authority to fund fuels reduction projects across ownership boundaries.</p>	<p>Hazardous Fuels Reduction title does not provide assistance for private landowners.</p> <p>The Watershed Assistance title would provide assistance through state foresters for planning work but not for actual fuels reduction projects.</p>

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Authorization	<p>Provides almost \$4 billion in authorization for hazardous fuels reduction work</p> <p>Gives Secretarial discretion to use tariffs from softwood lumber imports to fund hazardous fuels reduction work.</p>	No new authorization provided.

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Prepared by the Office of Congressman George Miller